IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5248 of 2007

Jayshri Ramchandra Koli .. Petitioner

versus

State of Maharashtra & ors. .. Respondents

...

Mr.R.K. Mendadkar for the petitioner.

CORAM : S.B. MHASE AND
D.G.KARNIK, JJ

DATED : 17th July 2007.

P.C.:

. Heard Mr.Mendadkar, learned counsel for the petitioner.

2. The petitioner is a lady constable appointed on a reserved post of Scheduled Tribe. She claims to be Mahadev Koli. However, the Scrutiny Committee has found that the documents which she has produced of her maternal aunt, cousin brother, cousin sister, sister etc. show caste of the petitioner as Hindu Koli. There is no evidence supporting the case of

the petitioner that she is a Mahadev Koli. Apart from that, there was a vigilance cell report against the petitioner.

3. Learned counsel for the petitioner submitted that no opportunity was given to the petitioner to contradict the said vigilance cell report. However, the facts on record show that the copy of the adverse vigilance cell report was sent to the petitioner. Inspite of the repeated reminders, petitioner has chosen not to submit any reply/explanation to the vigilance report nor did she supply the documents asked for. Therefore, it cannot be said that the scrutiny committee has not given an opportunity to the petitioner.

4. The whole attempt in the matter on the part of the petitioner is to protect the enquiry and thereby to continue the service so that certain equities can be claimed on the basis of the length of the service as a lady constable. We cannot forget that because of such improper claims the real persons belonging to the Mahadev Koli community suffer and lose a job opportunity. We do not find any substance in the petition. Petition is hereby rejected.

(D.G. KARNIK, J) (S.B. MHASE, J)